

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-48591 of 2017.

Decided on:-December 20, 2017.

M/s Vidharbha Traders.

.....Petitioner.

Versus

M/s Kamdhenu Limited.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Sarfraj Hussain, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of complaint filed by the respondent-complainant under Section 138 of the Negotiable Instruments Act, 1881 titled as “***M/s Kamdhenu Limited Versus M/s Vidharbha Traders***”, which is pending before learned Judicial Magistrate 1st Class, Gurugram. In the said complaint, the petitioner has been summoned to face trial vide order dated 09.08.2017 (Annexure P-2) passed by the trial Court.

Learned counsel for the petitioner has argued that the cheques so issued by the petitioner were, in fact, security cheques and no amount was outstanding towards the petitioner.

The plea so raised by the petitioner in the instant petition cannot be entertained at this stage as virtually it is a defence of the petitioner to be established during trial. Therefore, no case for interference is made out.

However, so far as prayer of the petitioner that the petitioner-accused is a resident of the State of Maharashtra, he be granted exemption from personal appearance is concerned, the petitioner is at liberty to move an appropriate application before the trial Court for such like relief and the same would be considered by the trial Court in accordance with law.

The petition is, accordingly, disposed of.

December 20, 2017

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No